S.B. CIVIL MISC. APPEAL NO. 226/2006

Date : 08.03.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. V.K. Mathur for the appellant.

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Heard.

This is an appeal by RSRTC against the claim which has been granted in favour of the deceased claimant who was the driver of the vehicle which was hit by the bus owned by the appellant. The Tribunal after considering the evidence on record which was overwhelming, came to the conclusion that the accident had taken place because of the negligence of the driver of the bus owned by RSRTC. No evidence was produced by the RSRTC in rebuttal. The evidence of the conductor of the bus was relied by the Tribunal. He being the eye-witness, his evidence has been relied. No case for interference is made out as far as fact of negligence is concerned.

As regards the quantum of compensation is concerned, the driver of the truck has been held to be earning Rs.3000/- per month. Learned counsel for the appellant admits that driver of the RSRTC gets much more than Rs.3000/- per month. In that background, if Rs.3000/- has been held to be income of the driver who died in the accident, it cannot be said that a wrong assumption has been taken by the tribunal. In that view of the matter, no case for interference is made out. The appeal having no force is hereby dismissed.

(BHAGWATI PRASAD, J.